

United States District Court

FILED BY MS

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SOUTHERN

DISTRICT OF

FLORIDA

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

OSWALDO DELAROSA and  
HENRY HERNANDEZ

CASE NUMBER: 00-M-4011-BSS

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about January 21, 2000 in Dade and Broward counties in the

Southern District of Florida defendant(s) did, (Track Statutory Language of Offense)

possess with intent to distribute cocaine.

in violation of Title 21 United States Code, Section(s) 841 (a)(1)

I further state that I am a(n) Special Agent and that this complaint is based on the following facts:

Official Title

Please see attached affidavit.

Continued on the attached and made a part hereof: ☒ Yes ☐ No

Martha Susan Judah  
Signature of Complainant  
MARTHA SUSAN JUDAH, SPECIAL AGENT  
UNITED STATES CUSTOMS SERVICE

Sworn to before me, and subscribed in my presence,

Date

BARRY S. SELTZER  
U.S. MAGISTRATE JUDGE  
Name and Title of Judicial Officer

at Ft. Lauderdale, FL  
City and State

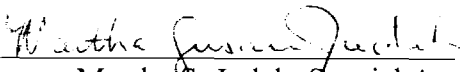
AFFIDAVIT

Before me, the undersigned, personal appear Martha S. Judah, who being duly sworn, deposes and says,

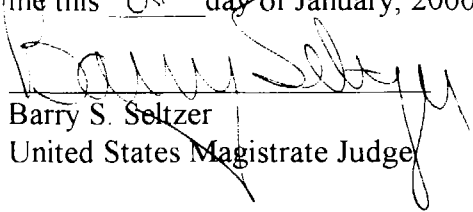
1. I am a special agent with the United States Customs Service and have been so employed for 13 years.
2. The following information comes from my personal knowledge or was relayed to me by other agents of the United States Customs Services.
3. On January 19, 2000, a United States Customs agent, located at Port Everglades, Florida, inspected a 20' King Ocean shipping container which had arrived into the United States from Colombia, South America. Examination revealed that a quantity of cocaine appear to be concealed with a shipment of aluminum bars (ingots).
4. On January 20, 2000, agents of United States Customs Service, DEA and Broward Sheriff's Office conducted surveillance on the container and observed that it was picked up by a trucking company and transported via tractor trailer to a warehouse located at 5056 N.W. 74<sup>th</sup> Avenue, Miami, Florida. At approximately 6:50 p.m., surveillance agents observed that the container was dropped at the rear of the warehouse. Shortly thereafter, four individuals, two of <sup>whom</sup> ~~which~~ were later identified as OSWALDO DELAROSA and HENRY HERNANDEZ, participated in opening the container doors and unloading <sup>contents of the</sup> shipping container. The ingot bars were stacked on 18 pallets, approximately 21 bars per pallet, and the subjects used a forklift truck to remove the pallets. Some bars were segregated or separated out from the others.

5. The unloading process continued for over four hours. After the bars were loaded into the warehouse, one subject left the area and the other three apparently remained on the premises overnight.
6. The next morning, <sup>January 21, 2000,</sup> agents observed one subject sweeping water and debris out of <sup>the</sup> the warehouse bay. As the day progressed and as the volume of traffic increased in and around the warehouse area, agents feared losing control of the suspects and the cocaine. At approximately 11:45 AM, agents moved in and detained defendants OSWALDO DELAROSA and HENRY HERNANDEZ in front of the warehouse bay. Agents then entered the warehouse and found broken ingots in the main warehouse area and approximately 35 kilogram size packages of cocaine in a cardboard box in a room off the main warehouse bay. DELAROSA and HERNANDEZ were placed under arrest. <sup>The individual sweeping the water ~~was~~ could not be located.</sup>
7. After being advised of his Miranda rights, DELAROSA admitted that he and the other parties observed at the warehouse the night before were involved in off-loading the cocaine for an individual located in Colombia. DELAROSA stated that he and HERNANDEZ broke open the ingots and removed the cocaine. DELAROSA was to receive \$1,000 for his participation, and HERNANDEZ was to receive \$200.
8. During the transportation of HERNANDEZ to FDC -Miami, HERNANDEZ jumped out of the U.S. Customs agent's vehicle and fled. He remains at large.

Further affiant sayeth naught.

  
Martha S. Judah, Special Agent  
U. S. Customs

Sworn and subscribed to before  
me this 25 day of January, 2000

  
Barry S. Seltzer  
United States Magistrate Judge